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SUBJECT: PORTRAIT OF AN ALIEN SMUGGLER

REF: TASHKENT 003165

1. Reftel outlined a recent incident in which Amcit Tim Thai was caught while apparently attempting to smuggle aliens with photo-subbed Canadian passports through Uzbekistan. The story of Mr. Thai's life over the past 25 years illustrates the challenges facing our consular sections as we strive to provide good passport and visa services to our Amcit and foreign clients while still doing everything we can to prevent, rather than facilitate, trafficking in persons (TIP). Mr. Thai's checkered history is outlined below.

2. Subject: THAI, Tim, aka: THAI, Phong; DPOB: 04Sep1955, Vietnam

3. Background: Mr. Thai entered the United States in April 1980 as a refugee from Vietnam after spending one year in an Indonesian first asylum camp. Mr. Thai's refugee camp biodata form noted that he was a native-born Vietnamese citizen of Chinese descent, whose mother tongue was 'Chiu Chow' (a southern Chinese dialect with a large community of speakers found primarily along the border between present-day Guangdong and Fujian provinces in southeastern China). The other languages that he claimed to speak on his biodata form were Vietnamese, Mandarin, and two other southern Chinese dialects, Cantonese and Fukien.

4. Citizenship: Mr. Thai became an American citizen on January 18, 1990, and was issued naturalization certificate no. 14045212. On his passport application of 28Jul2005, he claimed to have been issued naturalization certificate no. 869663, dated 13Mar2001; DHS-HCM reports, however, that there is no record of Mr. Thai ever being issued a naturalization certificate with that number.

5. Passports: Since becoming a citizen in 1990, Mr. Thai has received six passports, as follows:

- 072025568, full validity, issued 14Mar1990
- 073190912, full validity, issued 21Jan1993 (claimed previous ppt stolen)
- 28188963, full validity, issued 18Jan2001
- 038157673, full validity, issued 15May2002
- 038387609, full validity, issued 30Jan2003
- 28410190, limited to one year, issued 28Jul2005 (claimed previous ppt stolen)

6. Spouses/Petitions: Since Mr. Thai arrived in the U.S. in 1980, we are aware of six marriages that he has entered into, along with five spousal IV petitions. What we know, which may be incomplete, is the following:

- Oct 1989: married to CHEN, Ming Su, POB: China; divorced Jun 1992 (no record in NIV, IVO or PIERS)
- Oct 1993: petitioned for CHEN, Fengxia, POB: China; divorced Oct 1996 (records in IVO and PIERS)
- Mar 2001: petitioned for LIU, Xiu Qin, POB: China (record in IVO, no record in PIERS)
- Aug 2002: petitioned for TANG, Wen Fang, POB: China (record in IVO; petition returned due to no proof of divorce from previous spouse)
- Jan 2003: petitioned for YING, ShaoYing, POB: China (record in IVO; petition returned due to multiple wives)
- Jul 2003: petitioned for HUANG, Ruyi, POB China (record in IVO; petition returned due to multiple wives)

7. Criminal Record: Post understands that U.S. federal authorities maintain files on Mr. Thai, and is aware of the following encounters that he has had with law enforcement:

- Jun 1997, Vietnam: arrested and convicted for counterfeiting; released in May 2000 under an amnesty program after serving three years of a seven year prison sentence.

- Oct 2003, Netherlands: arrested at Amsterdam's Schiphol Airport for alien smuggling while in transit on a flight from Hong Kong to London; Mr. Thai was escorting two Chinese nationals at the time of his arrest. He was released and deported to the United States in March 2004.

- Nov 2004, South Korea: identified by DHS-Seoul as the facilitator for a female Chinese national imposter who was attempting to board a flight to Los Angeles using genuine unaltered U.S. passport no. 037621736 in the identity of DEA, Melissa Mui Fong. The passport had been reported lost by Ms.

Dea in December 2002, and had previously been used by another Chinese imposter who was intercepted at LAX in August 2001. A review of Mr. Thai's passport during questioning showed extensive recent travel to China, Hong Kong, Macao, Argentina, Uruguay, South Africa, and Europe.

-- Dec 2004, U.S.: arrested for alien smuggling in Los Angeles; the prosecution of the case was later dropped, and the case closed, as of 23Feb2005.

-- Nov 2005, Uzbekistan (see reftel): detained by Uzbekistan authorities on suspicion of fake travel documents and human trafficking; later released. Local and U.S. authorities at the scene believed that Mr. Thai was the traveling companion or escort of two women from Vietnam (or possibly China, according to the honorary Canadian consul in Tashkent), who were determined to have traveled to Uzbekistan from Malaysia and were attempting to board a flight to Paris on photo-subbed Canadian passports. The Canadian Consulate in Ho Chi Minh City confirmed that the Canadian passports in question had been reported lost/stolen, and that the Canadian driver's licenses the women were carrying were both counterfeits.

18. Employment: On some of his passport applications Mr. Thai said he was a cook, while on others he claimed to be a waiter.

19. Residences: On his six passport applications, Mr. Thai claimed six different addresses. On the five immigrant petitions he filed, he claimed five other addresses, none of which matched any of the addresses on his passport applications. The addresses were primarily in California, Seattle, and Queens, New York.

110. Personal History: Mr. Thai's family background is difficult to determine with any degree of certainty, as he has made contradictory claims regarding his marital status and parents on various official documents. Some examples:

-- Mr. Thai first stated on his refugee camp biodata form that his father had been born in Vietnam and had died there in 1972. On subsequent passport applications, he twice listed his father's place of birth as China, and twice as Vietnam; on one application, he wrote that his father was a U.S. citizen. (There is no record of his father in either IVO or PIERS.)

-- Similarly, Mr. Thai's refugee camp biodata form showed his mother's place of birth as Vietnam, but on later passport applications he showed it sometimes as China (twice) and sometimes as Vietnam (twice).

-- Mr. Thai claimed on his 18Jan01 passport application that he had "never married", though other evidence suggests that he had been married at least two times prior to that filing.

111. Comment: Although the USG devotes large amounts of resources to fighting TIP, Mr. Thai's case illustrates the unfortunate truth that Amcits involved in alien trafficking or visa fraud face few barriers to obtaining U.S. passports to facilitate their illegal enterprises. Given Mr. Thai's extensive record of involvement in the trafficking of Vietnamese and Chinese nationals, it would appear to be in the USG's interest to avoid facilitating his overseas travel. Given the lack of any legal basis upon which to deny him a passport or restrict his travel, however, and the strong likelihood that we will never have such authority, posts and domestic passport offices are left in the unfortunate position of having to help Mr. Thai obtain passports which history suggests will almost certainly be used to facilitate illegal activities. Post notes the success of the HHS-State effort to deny passports to "deadbeat dads", and recommends consideration of some similar legal mechanism to prevent or limit the ability of known traffickers in persons to abuse their U.S. passports. End comment.

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